

### **REMARKS**

Pending in the application are Claims 64-73, of which Claims 64 and 69 are independent. Applicants believe the pending application is in condition for allowance as drafted.

#### **Rejections Pursuant to 35 U.S.C. §102**

The Examiner rejected Claims 64-68 as being unpatentable in view of Riedener, (U.S. Patent No. 2,173,637). The Examiner has further rejected Claims 69, 70 and 72 as being anticipated by Herweck et al., (U.S. Patent No. 5,286,262). Furthermore, Claims 69 and 73 have been rejected as being anticipated by Christian et al., (U.S. Patent No. 6,152,902). For the reasons set forth below, Applicants respectfully traverse these rejections.

#### **Summary of Claimed Invention**

The present invention generally relates to a fluid recovery system for collecting fluid from a patient. A housing having a top surface and a collection chamber is recited, wherein the collection chamber can hold a volume of fluid. Furthermore the present invention recites a latching connector formed of at least a connecting element and a mating connecting element. The connecting element is molded into the top of the housing and allows for the simple connection of the mating connecting element. Additionally, as recited in independent Claim 69 of the pending application, a handle may further be coupled to the top surface of the fluid recovery system, wherein the handle is positioned to avoid unwanted interference with other components located on the top surface the fluid recovery system. Furthermore, the handle is sized such that two people can simultaneously hold the handle.

#### **Summary of Riedener**

Riedener discloses a device for treatment of the root of a tooth for use during dental surgery. As set forth in Claim 1 of Riedener, a device is disclosed wherein two closed receptacles are detailed, each of which is sized and located within the device for the collection of different materials. The first receptacle 13, as shown in Fig. 1, is orientated to allow the

collection of fluid from the drilled region of a tooth of a patient. Collected fluid may then be drained off via an opening in the vessel such that a bacteriological examination may be performed. The second receptacle 5 of Riedener is sized and located for the collection of dry particulate matter, such as tooth fragments. Such a use is detailed in column 2, lines 5-10, which read, "With the cock 3 occupying the position shown in Fig. 2, the part 8 is subject to suction. If this part 8 is put down in a place in which a tooth is being drilled, the loose material is sucked off and precipitated on the bottom of the vessel 5."

The dual vessels of Riedener are further detailed in Claims 2 and 3, wherein Claim 2 details the "dry" reservoir, and Claim 3 recited the use and existence of a "wet reservoir".

#### Summary of Herweck

Herweck broadly relates to a multipurpose collection vessel, and more particularly to a collection vessel that includes a closed vessel with suction regulating and chamber isolation components for receiving blood generated during surgery. The vessel of Herweck is separated into two distinct chambers, the first being a filtered reinfusion chamber, the second being an unfiltered chamber. The vessel of Herweck is designed such that it may perform a number of functions, including the functions of a pediatric drain, reinfusion vessel, cardiectomy bucket, general wound drainage vessel or multi-site drainage vessel. In light of this, Herweck provides for the simplification of hospital inventory.

#### Summary of Christian

Christian discloses a method for collecting surgical fluids wherein multiple containers can be coupled in series such that a plurality of containers can be used to collect fluids via a simple arrangement wherein the outflow port of one container is connected to the inflow port of another. Additionally, Christian discloses the use of flexible disposable liners for use with the surgical fluid collection chamber, wherein the liner can have a large interior volume and allow convenient fluid collection.

Argument

Applicants respectfully submit that the cited references fail to anticipate the pending application.

Addressing the Examiner's objection to Claims 64-68, of which Claim 64 is independent, in view of Riedener, Applicants submit that the Riedener reference fails to disclose the fluid collection system of the present invention. The figures and language cited by the Examiner disclose a vessel for collecting dry particulate matter associated with the drilling of a tooth. In contrast, the present invention, as recited in Claim 64, teaches a *fluid recovery* system. Furthermore, applicant submits that the latching connector of Claim 64 is neither disclosed nor recited by Riedener. As set forth in the present invention, the latching connector is formed of at least a connecting element and a mating element. Furthermore, the connecting element is integrally molded into the top surface of the fluid recovery housing such that the mating connector can be connected to a tube. The cited reference simply recites a nipple arrangement wherein a tube may be connected to a container. As Riedener fails to disclose each element of the pending application, Applicants respectfully submit that Claim 64 is in condition for allowance as drafted.

Applicants further submit that Claims 65-68, which depend on Claim 64, are in condition for allowance by their very nature as dependent claims. Applicants further submit that the integrally molded connectors are not recited by the cited art, as the integrally molded connector element of the present invention is designed to work in cooperation with a mating connecting element that is suitable for connection with a tube. In the cited reference, in contrast, the alleged molded connecting element interfaces directly with a tube, and fails to mate with a mating connecting element as disclosed in the present invention. In light of such arguments, Applicants respectfully submit that dependent Claims 65-68 are further in condition for allowance.

Regarding the Examiner's rejections of Claims 69, 70 and 72 in light of Herweck, Applicants respectfully submit that Claim 69 is in condition for allowance as drafted. Applicants submit that the handle coupled to the top surface, wherein said handle is sized to

enable two people to carry the fluid recovery system simultaneously is neither taught nor suggested by the cited art. As detailed in the specification,

“The length of the handle 118 is selected to enable two medical professionals to simultaneously hold the handle 118, each with one hand. *This allows a medical professional to transfer the fluid-recovery system 10 to another without any need to first place the fluid-recovery system 10 on the floor so that a second medical professional can grab it via the handle 118.*”

Applicants submit that the cited reference fails to disclose a handle sized for use by two people in accordance with pending claim 69. There is no recognition in Herweck of the benefits related to handlesize. The four inch handle of Herweck aids an individual when moving the system. However, the handle of Herweck is insufficient for person to person hand-offs of the system. A handle able to be grabbed by two people at one time is both highly advantageous to the usability of the device and is neither disclosed nor suggested in Herweck. Applicants further submit that pending Claims 70 and 72, which depend of Claim 69 for support, are further allowable by their very nature as dependent claims. In view of such arguments, Applicants respectfully requests that the Examiner withdraw the rejection to Claims 69, 70 and 72 and pass said claims to allowance.

The Examiner has further rejected Claims 69 and 73 as being anticipated by Christian. Applicants respectfully traverse these rejections. Applicants submit that the Christian reference fails to disclose the handle of the present invention, wherein the handle is sized such that two people can simultaneously hold the handle. Applicants therefore submit that the Christian reference fails to recite each element of Claim 69, and Applicants respectfully request the passage of Claim 69 to allowance. Applicants further submit that Claim 73, which relies on Claim 69 for support, is in condition for allowance by its very nature as a dependent claim. In lieu of this, Applicants request that the Examiner pass Claim 73 to allowance.

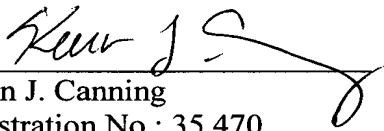
Rejections Pursuant to 35 U.S.C. §103(a)

The Examiner has rejected Claim 71 pursuant to 35 U.S.C. §103 as being unpatentable over Herweck. Applicants' traverse this rejection on the basis that pending dependent Claim 73 depends on Claim 69 for support. As set forth prior, Claim 69 includes a handle element, wherein the handle has been sized to allow two people to simultaneously hold said handle. The cited Herweck reference fails to teach or suggest such an element. In view of the Applicants arguments over Claim 69, Applicants request that the Examiner withdraw the rejection to Claim 71, as Claim 71 is a dependent claim that relies on an independent claim that is in condition for allowance.

Applicants believe that no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. ATA-232CN, from which the undersigned is authorized to draw.

Dated: October 21, 2004

Respectfully submitted,

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